

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matters of	
Public Notice.	DA No. 11-838
In the Matter of Spectrum Needs for the Implementation of the Positive Train Control Provisions of the Rail Safety Improvement Act of 2008	WT Docket No. 11-79

To the Chief, Wireless Telecommunications Bureau

Proposal and Request for Further Notice

Skybridge et. al, the undersigned (“SkyTel”) submit this proposal and request for further public notice (the “Proposal,” and the “Request”).<sup>1</sup>

Proposal

The Proposal in summary is:

(1) SkyTel will give up, for a new FCC spectrum “reallocation” for US public-agency metropolitan railroads and publicly-owned AMTRAK, certain *217-222 MHz* spectrum, and certain additional 900 MHz M-LMS spectrum, *for positive train control (“PTC”)* and other new railroad wireless (forms of “ITS” wireless), *at no cost to these public railroads* (including no cash paid to SkyTel),

(2) primarily<sup>2</sup> in exchange for the rights to use 30-50 MHz on non-interference

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<sup>1</sup> SkyTel also plans to submit Reply Comments in this proceeding, and possibly later ex parte filing(s) consistent with the instant filing but with additional content in accord with its Past Comments (defined below).

<sup>2</sup> In addition to this “primary” consideration: (i) SkyTel will seek, and will specify in a later full form of the Proposal, FCC processing under applicable law of its principal pending FCC licensing applications in 30, 40, 200, and 900 MHz. Even apart from this “swap” proposal, these should be timely processed and granted under applicable law. (ii) SkyTel will also seek certain

Cognitive-Radio basis (use of “white space”-- unused spectrum in time and space) for defined Smart or Intelligent Transportation Systems (“ITS”) (and complementary smart energy and environment wireless), at least 33% of which will be at no cost to government entities and the general public (as with GPS).

(3) FCC with NTIA consent, and DOT- FRA and -FTA (with input from its regulated railroad entities), would coordinate this “ITS Spectrum Swap” with SkyTel.

At this time, SkyTel plans to obtain assistance from the Drinker Biddle law firm’s DC office (including Laura Phillips and Patrick McFadden) regarding this Proposal. They have been involved in the 800 MHz-related reallocation (involving in 800 MHz Nextel, public safety entities, some other Part 90 licensees, and involving certain higher GHz range spectrum) (the “800 MHz Swap”) and thus have experience in spectrum-swap reallocations along the lines of this Proposal.

There is a sound legal basis for this SkyTel Proposal, also called here the “200 MHz ITS Swap”).<sup>3</sup>

### Background

SkyTel attaches hereto as Exhibit 1 its Comments in this proceeding for convenience of readers: those, in turn, reference other past pleadings by SkyTel with regard to spectrum for Positive Train Control (“PTC”) and related issues (together, SkyTel “Past Comments”). In the SkyTel Past Comments, SkyTel presents two matters:

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reasonable waivers of current rules in these spectrum bands for its proposed ITS wireless: “HALO” and “STEER” as noted herein. Said processing and waiver grants would not prejudice any other licensee’s or entity’s lawful rights, would advance advanced wireless technology and systems in the nation, would advance ITS wireless which is the goal of the Proposal, would be increase spectrum efficiency, and in other ways would be in the public interest.

<sup>3</sup> This 800 MHz Swap is illustrative. In addition, this voluntary-swap Proposal is consistent with the Commission’s *Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technologies for the New Millennium, Policy Statement*, 14 FCC Rcd 19868 (1999) (*Spectrum Policy Statement*).

1. The real, limited nature of PTC as mandated by federal authority, and in its actual function, which does not take much wireless data capacity and thus not much spectrum, and that there is no government mandate or technical requirement to use 220 MHz-range spectrum, and that railroads already have much spectrum not used efficiently with modern digital equipment, trunking, or other appropriate means to avoid waste and enable safe and effective wireless.

2. a The SkyTel focus on nationwide wireless for multi-mode Intelligent Transportation Systems, much of which will be on nonprofit basis, with no charges to transportation entities or the general public for high accuracy location (“HALO”) and tightly integrated one- and two- way data (no charge, as is the case with GPS: some forms of wireless are so critical for safety and efficiency that they must be at no cost): SkyTel calls this “Smart Transport, Energy, and Environment Radio” or “STEER.”

2.b. As part of its STEER-HALO wireless program for ITS, SkyTel presented a proposal to US metro railroads, AMTRAK, FRA, and publicly that is cited in SkyTel Comments in this docket. The link, again, is:

<http://www.scribd.com/doc/54660826/SkyTel-Intelligent-Railroad-Wireless-Presentation-v1>

#### Proposal-related Presentation

The just-noted proposal found at the above link is also attached hereto as Exhibit 2. The 200 MHz ITS Swap Proposal summarized above is in substantial part reflected in this attached earlier proposal, but is not identical. As noted above, SkyTel will submit a full version of the Proposal at a later date. However, SkyTel first seeks comments on its essential Proposal submitted above. This will enable SkyTel to prepare a final Proposal that considers interested-party support, concerns, etc. and should expedite a decision on the Proposal.

### Request for Further Notice

SkyTel requests that the FCC issue a further public notice (further to the public notice that commenced this docket) regarding its 200 MHz ITS Swap Proposal asking for comments and reply comments.

SkyTel also intends to pursue direct communications on the Proposal with railroads and perhaps other parties subject of or with potential interest in the Proposal. However, for efficiency and since the FCC is an indispensable party, SkyTel submits this request for said further public notice.

Respectfully submitted, July 11, 2011,



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Warren C. Havens  
President of each Petitioner listed below

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